

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (*Cancelled*).

2. (*Currently Amended*) A semiconductor device, comprising:

(a) a semiconductor substrate;

(b) a pair of first diffusion layers formed within said semiconductor substrate;

(c) a gate insulating film including:

(i) a first insulating film portion formed on that portion of said semiconductor substrate which is positioned between said first diffusion layers, and

(ii) a second insulating film portion positioned on both edges of said first insulating film portion, ~~a thickness of said second insulating film portion being~~ having a thickness that is larger than a thickness of said first insulating film portion;

(d) a gate electrode ~~formed on said gate insulating film~~ having a first gate portion formed on the first insulating film portion and a second gate portion formed on the second insulating film portion, in which the first and second gate portions are formed of the same material;

(e) a gate side wall insulating film formed on a side surface of said gate electrode and on a side surface of said second insulating film portion; and

(f) a second diffusion layer formed apart from said first diffusion layers within that portion of said semiconductor substrate which is positioned below said first insulating film portion.

3. – 4. (*Cancelled*).

5. (*Original*) The semiconductor device according to claim 2, wherein said first diffusion layers further comprises:

a pair of extension regions formed below said gate side wall insulating film apart from said second diffusion layer; and

a pair of source-drain regions formed in contact with said extension regions on a side opposite said second diffusion layer.

6. *(Original)* The semiconductor device according to claim 2, wherein said gate side wall insulating film comprises:

a third side wall portion formed on the side surface of said gate electrode and on the side surface of said second insulating film portion; and

a fourth side wall portion formed on a side surface of said third side wall portion.

7. *(Cancelled)*.

8. *(Original)* The semiconductor device according to claim 2, further comprising an interlayer insulating film formed to surround said gate side wall insulating film, an upper surface of said interlayer insulating film being substantially equal to an upper surface of said gate electrode.

9. *(Cancelled)*.

10. *(Original)* The semiconductor device according to claim 2, wherein a conductivity type of said second diffusion layer is opposite the conductivity type of said semiconductor substrate.

11. – 21. *(Cancelled)*.